

REMARKS

Claims 1, 3, 5-7, 10, 11, 13-21, and 23-38 are pending in this application. Non-elected claims 17-20 and 24-29 are have been withdrawn from consideration by the Examiner. By this Amendment, claim 22 is canceled. No new matter is added.

In view of the foregoing amendments and following remarks, Applicants respectfully request reconsideration and allowance.

I. Personal and Telephone Interviews

The courtesies extended to Applicants' representative by Examiners McCulley and Seidleck at the personal interview held September 29, 2009, and by Examiner McCulley during the telephonic interview held September 29, 2009 are appreciated. The reasons presented at the interviews as warranting favorable action are incorporated into the remarks below, which constitute Applicants' record of the interview.

II. Entry of Amendments

As discussed during the interview, entry of the amendments is proper under 37 CFR §1.116 because the amendments cancel a claim, and as such: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration (as the amendments amplify issues previously discussed throughout prosecution); (c) satisfy a requirement of form asserted in the previous Office Action; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to an objection raised in the final rejection. Applicants thus respectfully request entry of the amendments.

III. Claim Objection

The Office Action objects to claim 22 for informalities. By this Amendment, claim 22 is canceled, rendering its objection moot. Accordingly, Applicants respectfully request withdrawal of the objection.

IV. Rejections Under 35 U.S.C. §103(a)

A. Wang

The Office Action rejects claims 1, 3, 5-7, 10, 11, 13-16, 21-23, 33, 34 and 37 under 35 U.S.C. §103(a) over U.S. Patent Application Publication No. 2002/0107306 to Wang et al. ("Wang"). By this Amendment, claim 22 is canceled rendering its rejection moot. As to the remaining claims, Applicants respectfully traverse the rejection.

1. Aggregation and Coalescence

Wang does not disclose and would not have rendered obvious the processes of claims 1 and 10. Wang at paragraphs [0002] and [0026] discloses the preparation and use of an aqueous dispersion of a polymeric epoxy-acid composition useful in coating applications. However, Wang does not teach the specific emulsion aggregation method as recited in claims 1 and 10. Instead, Wang teaches using the phase inversion method to make its aqueous dispersion. Thus, Wang at least fails to disclose or render obvious "a) aggregating, in an aqueous dispersion comprising an aggregating agent...to form aggregated particles;" and "b) coalescing said aggregated particles to form fused particles" as recited in claims 1 and 10.

Wang would not have rendered obvious step a). Wang discloses at paragraph [0010] "dispersing" an organic phase into an aqueous phase. However, dispersing is not, nor would it be, interpreted by one of skill in the art to be equivalent with aggregating "to form aggregated particles" as claimed. "Aggregation" and "aggregating agent" are clearly described in paragraphs [0051]-[0055]. In view of at least this disclosure, it is clear that

aggregation as used in claim 1 is not the same as or even similar to dispersing as described in Wang. At least step a) would not have been rendered obvious by Wang.

The Office Action at page 2 asserts that the Wang dispersion may contain zirconium sulfate, that zirconium sulfate is a transition metal salt, and that transition metal salts will act as aggregating agents. However, as described above, the dispersion is not the same as or an obvious variant of aggregation. As such, even were zirconium sulfate to function as an aggregating agent in an emulsion aggregation process, it would not necessarily function as an aggregating agent in a different process, such as the phase inversion method of Wang. In the very least, it would not have been obvious for one of skill in the art to first modify the phase inversion method of Wang to be an emulsion aggregation process, and then to select zirconium sulfate as an aggregating agent because Wang fails to teach using an aggregating agent at all. Instead, Wang teaches that zirconium sulfate may be used as a cross-linking agent.

Wang would not have rendered obvious step b). The Office Action asserts at page 2 that paragraph [0041] of Wang teaches "coalescing said aggregated particles to form fused particles." However, the "coalescence" described in Wang is not the same as or an obvious variant of step b). "Coalescence" is clearly described in paragraph [0056] and Examples I, II, and III. In particular, "aggregated particles," as described above, are not coalesced in Wang.

2. The Curing Agent in Claim 1

In addition to the above reasons, claim 1 would also not have been rendered obvious for at least the following additional reasons. Wang would not have rendered obvious "c) adding at least one curing agent to the fused particles" as recited in claim 1. The Office Action asserts at page 2 that paragraph [0022] of Wang discloses this feature. However, during the September 29 personal interview, Examiner McCulley asserted that paragraph

[0053], rather than [0022] discloses this feature. Still, paragraph [0053] would not have rendered obvious step c).

Paragraph [0053] states that "other compounds may be added to the coating composition" but fails to establish that "at least one curing agent" should be added to the coalesced, fused particles. As described above, both steps a) and b) would not have been obvious in view of Wang. However, even were Wang to teach steps a) and b), paragraph [0053] does not teach the specifically claimed order of adding a "curing agent." Instead it generically teaches that crosslinking agents "may be added to the coating composition." One of skill in the art would not have interpreted this to mean that the curing agent should or even could be successfully added after coalescence. As such, for this additional reason, claim 1 would not have been rendered obvious by Wang.

3. The Curing Agent in Claim 10

In addition to the above reasons, claim 10 would also not have been rendered obvious for at least the following additional reasons. Wang would not have rendered obvious "a) aggregating, in an aqueous dispersion comprising an aggregating agent, particles including at least i) curable resin particles and ii) particles comprising at least one curing agent, to form aggregated particles comprising curable resin and curing agent" as recited in claim 10. The Office Action asserts at page 2 that paragraph [0022] of Wang discloses this feature. However, paragraph [0022] would not have rendered obvious step a).

Paragraph [0022] discloses that the dispersion and/or polymeric binder may have reactive functional groups capable of forming bonds by intermolecular crosslinking or by reaction with a crosslinking agent. For the reasons described above, step a) would not have been rendered obvious by Wang. However, even were Wang to teach "aggregation" as opposed to dispersion, the capability of a moiety to crosslink does not inform one of skill in the art that the aggregation step includes or would function by introducing both a resin and a

curing agent. One of skill in the art would not have gleaned from such a disclosure the specific components to be aggregated. As such, for this additional reason, claim 10 would not have been rendered obvious by Wang.

For at least the reasons above, Wang would not have rendered obvious claims 1 and 10. Claims 3, 5-7, 11, 13-16, 21, 23, 33, 34 and 37 variously depend from either claim 1 or claim 10 and, thus, also would not have been rendered obvious by Wang. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

B. Wang and Davydov

The Office Action rejects claims 30 and 31 over Wang in view of U.S. Patent No. 6,491,973 to Davydov et al. ("Davydov"). Applicants respectfully traverse the rejection.

The deficiencies of Wang with respect to claim 1 are discussed above. Davydov, which is only relied upon by the Office Action for its alleged disclosure of the additional limitations recited in claims 30 and 31, at least fails to cure the deficiencies of Wang with respect to claim 1. As such, the combination of Wang and Davydov would not have rendered obvious claim 1. Claims 30 and 31 variously depend from claim 1 and, thus, require all the limitations of claim 1. Thus, for at least the reasons discussed above, claims 30 and 31 would not have been rendered obvious by Wang and Davydov.

In addition, as discussed during the personal interview, Wang discloses a coating process where the substrate to be coated is coated with the aqueous dispersion, after which the dispersion is dried and then cured. Because the dispersion is dried on the substrate to be coated, it would not have been obvious to remove the dried dispersion particles and have them "dry-blended with at least one additional additive to form said powder" as recited in claim 30. In other words, Wang describes a process where the components are mixed together in solution, as opposed to dry-blending. Moreover, in view of Wang, there would

have been no reason or rationale to remove the dried particles that are on the substrate, dry-blend them with an additional additive, and then recoat the substrate with a dry powder.

Claims 30 and 31 would not have been rendered obvious by Wang and Davydov. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

C. Wang and Patel

The Office Action rejects claims 32, 36, and 38 over Wang in view of U.S. Patent No. 6,210,853 to Patel et al. ("Patel"). Applicants respectfully traverse the rejection.

The deficiencies of Wang with respect to claim 1 are discussed above. Patel, which is only relied upon by the Office Action for its alleged disclosure of the additional limitations recited in claims 32, 36, and 38, at least fails to cure the deficiencies of Wang with respect to claim 1. As such, the combination of Wang and Patel would not have rendered obvious claim 1. Claims 32, 36, and 38 variously depend from claim 1 and, thus, require all the limitations of claim 1. Thus, for at least the above reasons, claims 32, 36, and 38 would not have been rendered obvious by Wang and Patel.

In addition, claim 36 would not have been obvious in view of Wang and Patel. Patel discloses an emulsion aggregation process for making a toner composition, as opposed to a process for forming curable powder. Because Wang does not teach an emulsion aggregation process, one of skill in the art would not have turned to GSDs described in an emulsion aggregation process to modify Wang to have the specifically claimed GSD of "about 1.10 to about 1.25" as recited in claim 36. Thus, because there is no reason or rationale for combining Wang and Patel to yield the features of claim 36, claim 36 would not have been rendered obvious by Wang and Patel.

Wang and Patel would not have rendered obvious claim 36. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

D. Wang and Sacripante

The Office Action rejects claim 35 over Wang in view of U.S. Patent No. 5,989,629 to Sacripante et al. ("Sacripante"). Applicants respectfully traverse the rejection.

The deficiencies of Wang with respect to claim 1 are discussed above. Sacripante, which is only relied upon by the Office Action for its alleged disclosure of the additional limitations recited in claim 35, at least fails to cure the deficiencies of Wang with respect to claim 1. As such, the combination of Wang and Sacripante would not have rendered obvious claim 1. Claim 35 variously depends from claim 1 and, thus, requires all the limitations of claim 1. Thus, for at least the above reasons, claim 35 would not have been rendered obvious by Wang and Sacripante.

In addition, one of skill in the art would not have combined Wang with Sacripante in the first place. Sacripante teaches the preparation of bichromal spheres. In such spheres, each half of the sphere has contrasting colors. Such spheres are useful for display applications in electrophoretic field and not the field of curable powder. Thus, one of skill in the art would not have turned to bichromal spheres, with their unique colorant characteristics, for the claimed colorant content in a curable powder as recited in claim 35.

Claim 35 would not have been rendered obvious by Wang and Sacripante. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

V. Rejoinder

As discussed during the personal interview, Applicants also respectfully request rejoinder of non-elected method claims 17-20 and 24-29. Because claims 17-20 and 24-29 depend from and/or otherwise include all limitations of either claim 1 or claim 10, Applicants respectfully request that upon allowance of claims 1 and 10, claims 17-20 and 24-29 be rejoined as required under MPEP §821.04(a). Because claims 1 and 10 are believed to be

allowable for at least the reasons presented above, Applicants respectfully request withdrawal of the Restriction Requirement and rejoinder of claims 17-20 and 24-29.

VI. Conclusion

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Applicants earnestly solicit favorable reconsideration and prompt allowance of the application.

Should the Examiner believe that anything further would be desirable to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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